

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA ) Criminal No.  
 )  
 V. ) 1:96CR43-02  
 )  
 JAMES R. ROGERS )

**MOTION FOR AN EXTENSION  
OF TIME IN WHICH TO FILE A  
MOTION FOR A NEW TRIAL AND A MOTION  
FOR AN ARREST OF JUDGMENT**

AND NOW, comes the defendant by his attorney Gary B. Zimmerman and moves this Court for an Extension of Time to File certain post trial motions.

1. Rules 33 and 34 of the Federal Rules of Criminal Procedure requires a defendant to file motions for a New Trial and in Arrest of Judgment within 7 days of a verdict.

2. Counsel for the defendant has been unable to properly investigate, prepare and brief the issues to be raised in their motions within the time period proscribed by the rules.

3. The defendant requests an extension of time in which to file said

175

motions so that his 6th amendment right to effective assistance of counsel is properly protected.

WHEREFORE the defendant requests that the time for filing motions pursuant to Rules 33 and 34 of the Federal Rules of Criminal Procedure be extended until October 3, 1997

Respectfully submitted,

dated: 9-3-97

  
Gary B. Zimmerman

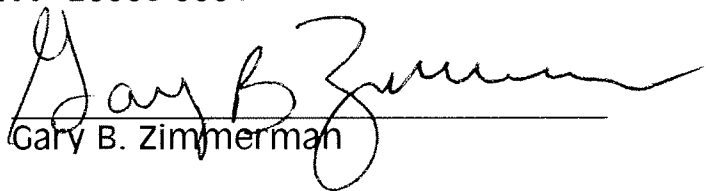
Attorney for the Defendant  
Suite 304, 100 Ross Street  
Pittsburgh, PA 15219  
(412) 566-2133

PA I.D. #10080

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and complete copy of the Defendant's Motion for a New Trial and a Motion for an Arrest of Judgment to the following by U.S. Mail on September 3, 1997.

David Goodwin  
Assistant United States Attorney  
P.O. Box 591  
Wheeling, WV 26003-0001

  
\_\_\_\_\_  
Gary B. Zimmerman